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ABSTRACT

Written by history students at Gary High School, Gary, Texas, this issue includes two articles relevant to East Texas history. "Mission Dolores and Jim Corbin," (Moss Heaton and others) is a summary of material presented by Professor James Corbin about the early Spanish presence in East Texas. The first attempt at setting up a mission was in 1690 but that establishment did not survive. The Spanish were ostensibly interested in saving the Indians through Christianity, but fundamentally they did not want the territory to fall into the hands of the French. The second article, "The Joe Shields Hanging," (Moss Heaton and others) recounts the story of Joe shields a local legend in East Texas. The several versions of the events leading up to the hanging are told. In addition the murder trial and court records are reviewed. (BZ)

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Contents

2 Mission Dolores and Jim Corbin- by Moss Heaton, Randy Liedtke, Norman Wyatt.

15 The Joe Shields Hanging- by Moss Heaton, Allen Gilpatrick, Karen Whiteside, Anthony Templeton, Ira Barr, Norman Wyatt.

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Front cover: The prints for the Joe Shield story were done by Jim Box who taught at Gary. He has been a good friend to those working on Loblolly.

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Mission Dolores

Jim Corbin is a Professor of Anthropology at Stephen F. Austin State University in Nacogdoches. He is also a good friend of ours at Loblolly, and has helped us on some ideas in the past. This past spring we returned to visit him several times, and again he showed a lot of patience and understanding with us. We wanted to find out more as to what he and others had discovered about the Spanish presence in East Texas. What he shared with us opened up a whole new area of understanding of another part of our East Texas heritage.

During the early 18th century, the early 1700's, France and Spain were at war. That confrontation wasn't very big in the new world. The Spanish hadn't paid much attention to their eastern provinces, East Texas and up to the Mississippi River. So when a young Frenchman by the name of St. Bernais showed up in Mexico City, they'd heard this guy had been running around East Texas. They were also worried about La Salle who'd landed on the Texas coast. They felt the French were trying to encroach on their territory.

The Spanish felt the best thing to do would be to establish some missions in East Texas to confirm a Spanish presence. And they first went out in 1690 and established a couple of small missions over on the Neches. Those didn't last very long. The Indians basically kicked them out.

The Spanish then came back in 1716 and established a series of four missions: one on the Neches, one on the Angelina, one in Nacogdoches, and one in San Augustine. The French kind of flexed their muscles and burned down something so they decided we'd better get out of here. So the Spanish decided to pull back. They had insignificant numbers with which to face the French.

So they came back again in 1721 and said we're going to stay for sure. They decided to bring in more people, and establish more permanent habitations. They put in six missions and two presideos, a town with accompanying fort. And so the first mission was on the Neches, then one on the Angelina, a presideo between the Angelina and Nacogdoches, a mission in Nacogdoches, one north on the south fork of the Angelina, another mission at San Augustine, and the last mission at what is now Robelene, Louisiana. That presideo was called Presideo Los Adoes and

the accompanying mission was called Linares. Los Adoes was set up as the capital of Texas from 1721 to 1775.

The western three missions; the one on the Neches, the one on the Angelina and the one on the south fork of the Angelina were abandoned about 1730 or 1740. They just weren't working out. The mission at Nacogdoches, at San Augustine, and at the missions and presideo at Los Adeos were maintained until 1775. What happened was the war between France and Spain was over in 1773. And there was an edict saying everything was over with and it was too expensive to keep people in East Texas and they ordered them out.

The people were forced to leave East Texas against their wishes. Some had been there for fifty years and had been born and raised there. The Spanish government said we don't want you there and moved them back to San Antonio. And they did move to San Antonio but then many moved back to the Trinity River for a short period of time until the Commanches drove them off and they said we're going back home to East Texas. And they - established the city of Nacogdoches.

So the Spanish were in East Texas to guard over their easternmost province. That was to keep the French from encroaching on them, although the French were more interested in trade than anything else. They just weren't that interested in moving in on what the Spanish held. Really the people Spain sent to East Texas were on their own for those in Mexico City and in Spain really didn't know what was going on. They were basically isolated and on their own.

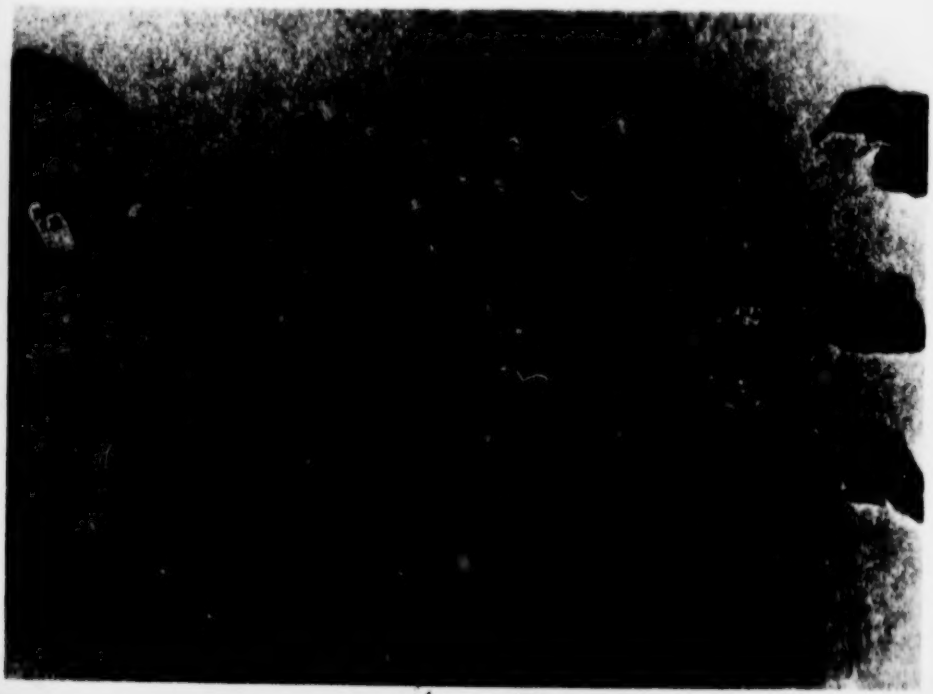
After the abandonment of the missions in 1775 they fell into the realm of legends, stories, etc. We really don't know exactly where any of the missions are except for two. We don't know where the three western missions are as they were only in existence for a short period. We don't know where the mission in Nacogdoches is. However, we do know the location of the Mission Dolores in San Augustine because of local tradition about it. I think that's because in the earliest Spanish land grants in that area a corner of the mission, or some part of it, was a survey point. So that point known as the Old Misssion is in the records. It means that at least some of it was still standing when they made their first survey. So there was local tradition passed down from generation to generation. Plus there was the proof of the survey point.

The one in Nacogdoches, we just don't have a firm idea as to where it is. The Presideo Los Adaes and the mission location there was easier to identify. One, there were good maps of it because it was the capital of Texas plus there are still Spanish speaking people in the area today. They knew where it was. Plus there's some evidence people never left the area between 1775 and 1779. So they've (archeologists) identified the presideo of Los Adaes and the perimeter walls; they also know where the mission is.

Fortunately we have located parts of the Mission Dolores at San Augustine which you are primarily interested in. What the archaeology found was a portion of a wall. There's a modern road and what we found was one of the trash pits eroding out of the ditch and part of a structure which is somehow outside the wall also eroding out of the ditch and its artifacts showing out of this ditch at both places.

North Texas State university had done some excavations across the road, on the north side. That's because the local historical society had bought the land on the north side under some guidance somewhat misdirected I think. That's where

Mexican majolica (small stuff on left hand side) and lead glazed earthen ware (right)



they said it was and when the original excavations took place they were not allowed to look any place else. You know it's here on this land, we bought it, you've got to dig here. So they dug there and didn't find anything. On the last day they came back over here and dug a backhoe trench. And they found some Indian pots. In the report, it said they found some Indian artifacts. And they found almost nothing on the north side of the road.

So I was arguing for looking over here. It wasn't messed up. They had looked and looked and looked on the north side of the road and hadn't found anything. This was in 1977, the intial excavation took palce in 1976. I was meeting, in fact when it happened. I was in San Augustine meeting with the local historical group trying to convince them that they first needed to spend some money on historical documentation. I felt they needed to see what we came up with in the documents before we spent a lot of money digging. And they were so convinced that, you know, we will just go out there and find it. And they felt the original archaeologist hadn't done a good job. And I said if it had been there she would have found it.

Meantime, the mayor, I had told her, I said,"You know, try to get on some people that might collect artifacts, might know something well." She found a man that said,"Oh yea, I found all kinds of Spanish stuff walking up and down this ditch on the south side of the road." And he took her out there and showed her where he had found the stuff. And it was right next to where we found the French structure. As it turned out it was French ceramics instead of Spanish. But it was, you know, the stuff we were looking for.

So we came back and I profiled on this point. From the little step that we did we could see stuff in the wall. And we cleaned it off and put down a one by one meter ecxavation there. And we found trade beads and a gun flint and more French ceramics and decided this is it. It can't be anything else. Then we had to get permission from the state and from the land owners before we could do some more excavations. We just did a little bit that one summer because we already worked on another site. We came back the next summer and opened up a full scale excavation. And we worked there two summers, an actual total of 19 weeks. That's the time we

spent on the site excavating and collecting artifacts and then wrote up the report.

When we from Stephen F. Austin starting digging there we started at the structure which had been revealed by the eroded ditch. This would become known as the French structure. There was evidence of a hard packed floor with a square hearth or a central fire place. We working on that, and we found the trash pits. We put a trench in from the structure to the trash pits paralleling the road. We found two post holes and said two make a line. We dug another pit and what we found was a long trench eventually about a foot deep. Every so often they had driven a post down into that ditch and put in smaller posts and packed dirt around the bases. Then they had woven horizontal pieces of wood in and out, stuck rocks in among the weave, and plastered it with mud. It was called a "jacale" wall. It's a Mexican (Spanish) word for that kind of construction. We followed that wall from the road all the to its end.

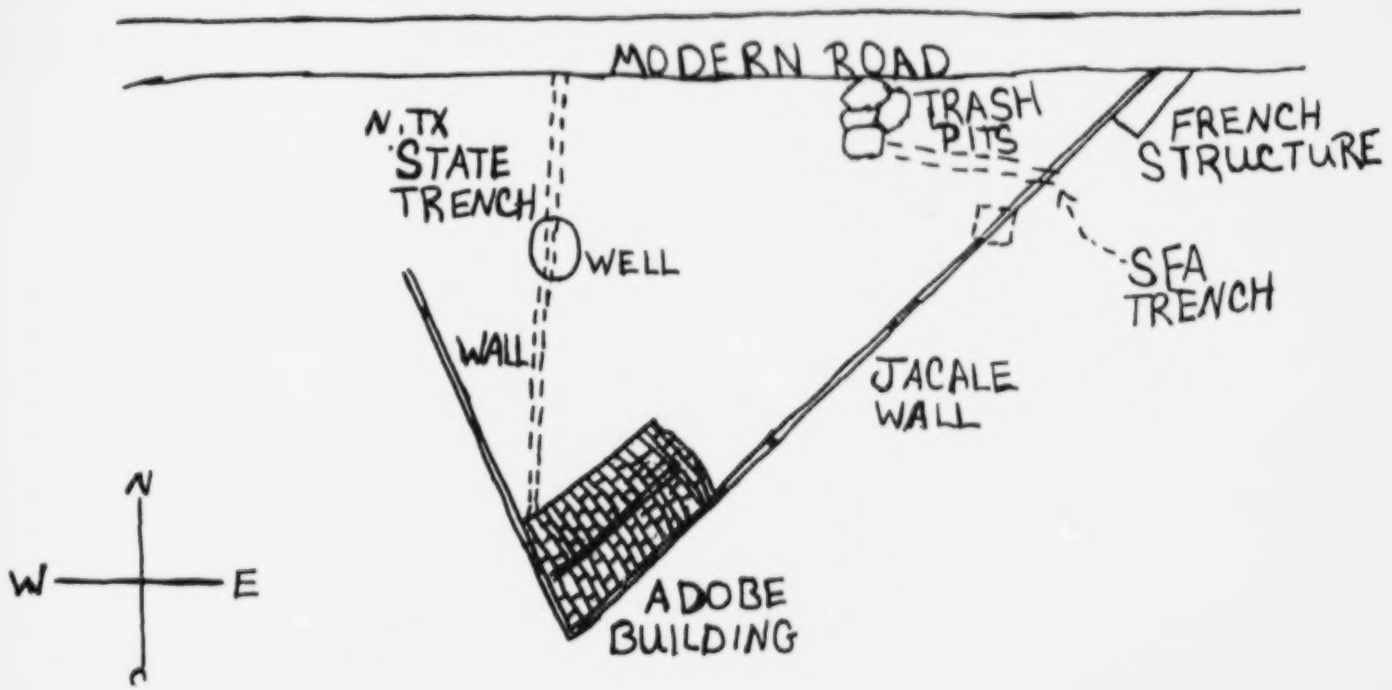
Gun parts - top to bottom and left to right: barrel, ramrod, mainspring, gunflint, trigger guard.

The sections between the interwoven stuff was just filled in with rocks you know which takes less mud to plaster it over. We got to thinking about where these things showed up. We didn't map them all in unfortunately. We didn't know what we were finding. When we go back mapping these rocks in it is going to be important. I think that it will tell something about walls. And I think that we will find most of these were concentrated along the wall trenches. When the walls fell down you got rocks concentrated. We weren't aware of this at that time. So that is a combination of things to tell you that this is not typical of Angelo architecture. It is a Spanish type of architecture. And that in conjunction with the portable artifacts, the ceramics and all, showed us we were dealing with something that was probably Spanish.

Then we decided we should go back and open up the trench originally dug by the people from North Texas State. We went back and found what they had discovered was the top portion of a well. And when we got further down the ditch we found a portion of adobe block. Now the easiest way when you've got very hard ground and not very good tools you build a level wall course. You dig a trench and don't worry how smooth the bottom is. Then you come back with loose dirt or sand and level that surface. Then you put your first course of blocks or stones on top of it. So we had found portions of a building. What it is we think is one corner of the mission compound comprising the building. It was an adobe building with a well next to it and a small jacale building adjacent to that, and then the trash pits (possibly four of them).

Then there was the building by the ditch. From its construction and the artifacts found there we think it was a French trading post. It's not Spanish style construction but French style. The artifacts included French or Spanish or English gun flints, there's trade beads, and French ceramics. The Spanish were probably trading with the French although it was illegal. But there's pretty good evidence that they were.

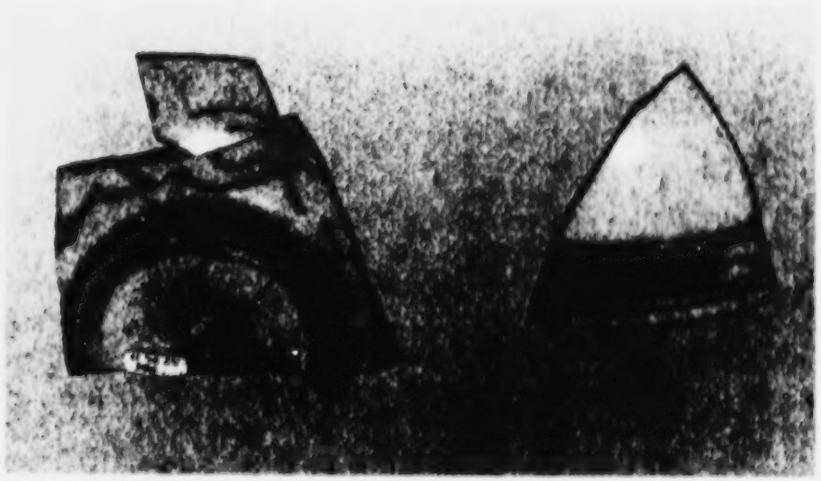
And in fact we think that there was a French trading post at the mission site itself. There is a structure outside the wall of the mission compound, and that is what we think it is. We found evidence of some sort of structure, a very



small one beyond the wall. In that place we found a lot of beads, and gun flints, and French ceramics. It is not a typical Spanish kind of construction. It seems to be a French type of construction. The French at this time quite often would set some beams down on the ground then set some vertical posts in those, and the walls weave the stuff in and out using more massive kind of construction. There is a central sort of square fire hearth but no post holes around the edge. And there is definately a beaten floor plan with many small artifacts pounded into a really hard surface.You can sort of see the outline of that structure.

The part of what we think is the mission compound probably is about a quarter of the whole theing. What was exciting was when we looked at the modern road was that further to the northeast it's parallel to the mission wall and then turns and goes we believe right through the mission compound. We believe the original course of the road was changed and that it ran originally from the northeast then parallel to the mission itself and not through it. We figured the mission wall and the road being parallel had some connection. The road could have run through the mission but on a course parallel to the walls though.

Chinese porcelain



I had worked on the Mission San Xavier about 200 miles away in central Texas. And the mission compound walls were set exactly the same way in relation to north and south as at Mission Dolores. So I figured the Spanish must have had some pattern which they worked from.

In the ditch we found what could have been an old road profile and if it turns out we can say the road ran parallel with the well on the outside. There could have been a gate in the wall to act as an entrance from the road.

The very first ceramics we found and the greatest majority found were in fact French. You may say, well how come it is not a French site. There are also English ceramics, Chinese ceramics, Mexican-Indian ceramics. These latter are types you probably wouldn't find in the French sites. You could find the Chinese porcelin though it is the most common in the Spanish colonial site. They were trading directly with Canton. So all Spanish colonial sites were found with Chinese porcelin or cups like we found.

The nails, the wine jars, and other things can be put all together. They had more of a Spanish flavor even though the majority of the European ceramics were French. But these were also trade items because the French post was only a little ways off. It was in Natchitoches or some where around there. It was a good days walk I suppose if you started early, maybe two days at the most. It was a lot closer than San Antonio if you broke your dishes and needed to replace them.

The artifacts,the type of structure, the style of wall showed us we were dealing with Spanish colonial architecture. A lot of people thought this was the original mission location. The wall, the adobe structure in the corner, the big well, and the artifacts - when all put together were too much of a complex to be anything but a Spanish location.

The angle of the wall parallels that at San Xavier in central Texas as well as Mission Rosano built later in south Texas. The jacale style was also consistent. There's no question but that we've got the location. The artifacts are consistent between Dolores and San Xavier as they're from the same time period. Dolores being further east has more French artifacts which makes sense since it was closer to where the French were. That indicates they were probably trading. It was a lot closer to the French than to their own people in

San Antonio. If you broke a dish you could wait eight months to get one form San Antonio or walk twenty miles to get one from the French.

So to confirm what we're dealing with is also the construction of the wells seen in cross section. They were built with a step down at the upper part and then went straight to the bottom of the well. At Dolores it was filled in with layers of dirt and then with artifacts. At Rosario they're like these also. And you have the same kind of conformation. The site orientation of the walls was the same at three, the well construction was the same across the state. So we are slowly accumulating a Spanish colonial building pattern. That is, this is how you build walls, this is how you dig wells, etc. And as we work more on this I think we'll find other types of similarities.

The reason I searched out these similarities was that originally there was some question as to the reality of our finding the Dolores Mission at San Augustine. But I think the argument has been settled now. We have the four or five similarities with other Spanish missions of the same time period. The angle of the walls and their style construction confirmed things for me. We have in fact identified the Mission Dolores.

There appears to be some more intact material on the other side of the road. We hope someday to be able to trace the wall on the north side of the road too. But most of the other side has been too badly bulldozed to hope to find much. Maybe we will find that the mission was of comparable size to the one at San Xavier.

I think at San Augustine we have found just a small corner of the original mission. Most of the rest of it is gone. I'd say two-thirds, probably more than that if Dolores and San Xavier are the same size.

We hope to go back to work on the site again. Meanwhile its eroding very badly along the right of way next to the road. We're losing a lot of site to erosion and we're hoping the Antiquities Commission and the Highway Department to come up with a plan so no more will be lost. Also on the south side, part of the site paralleling the road is public land and the rest is private. By law the state has to protect their part. So I'm trying to work on protecting the site now.

There were more Indian ceramics out here on this site than there were European. And they relied on local Indians for their pots and their vessels and probably for their food and a lot of other things.

Whether the Indians around the mission were Caddo, we don't know. There were some references that they weren't Caddo. But the ceramics were Caddo. Now whether they were some group that wandered into the Caddo area, we don't know. Maybe they sort of adopted Caddo customs but didn't spread the Caddo language. We just don't know.

There are just some indications in some early Spanish literature that the Caddos saw them as not being true Caddos. But the ceramics that are obviously Indian ceramics and seem to be local in the area are Caddo.

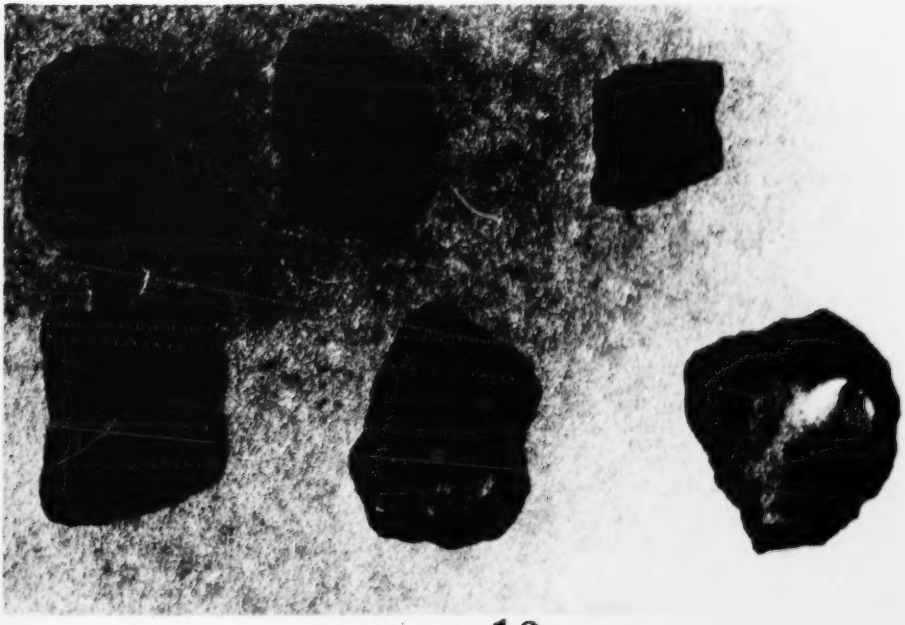
There would normally be two priests at such a mission as ours. There would also be two or three soldiers and their wives, and maybe some Indian helpers. But there were actually very few people living there. And there is not that much trash for 50 years of occupation. But few don't make all that much, and they probably didn't have that much to dispose of. Plus there were other structures. There was a

Large pot handle, 2 trigger guards, belt knife side plate

ranch, they had their own ranch. There may have been times when there was only one soldier, or one priest. The numbers varied

They were there to try to Christianize the Indian and to keep an eye on the French. They were worried about saving the Indians which they failed miserably at. The Indians didn't come live at the mission and weren't dependent on the priests and the Spanish. The mission Spaniards were dependent on the Indians. It wasn't like in the Southwest where the Indians depended on them for survival. And with no real military control they couldn't force their will on the Indians. The priests couldn't make them do anything. The Indians were feeding the Spaniards and just didn't want to live at the mission. The priests could have maybe modified things by "circuit riding" to the Indians rather than try to force the Indians to come to them. If they would have tried a different angle maybe they might have been more successful.

Gunflints, spall type



Joe Shields

The time that has passed since 1892 has given time for a legend about Joe Shields to develop. He must have been a handsome young man and popular with the ladies. That popularity is said to have lead to his death. But the truth behind the legend was most probably that he was killed for another reason. And that was a dispute over the inheritance of some property. So greed by another probably lead to Joe Shield's death, and not for anything he might have done himself.

The popular story of Joe Shields was told to us by a friend and is as follows:

It was before my time. It happened in 1892. The night of this hanging, my mother was spending the night with a girl friend. It was about two miles from where she lived. Back then the only social life they had was to spend time with close friends. Her name was Edna Blanch Ramsey before she married.

She was summoned to the trial of one or two of the men involved in the hanging. She went in a wagon, pulled by two mules, twenty five miles to San Augustine. And among other things Momma told

us, one of the clues in tracing down who was involved in it. The gang who did the act rode horses and mules. Among them was a crooked footed mule or horse, I forgot which. They traced that one to the house where my mother spent the night. They asked her if she heard anyone come in the night with horses and she told them she did. So we got what little we knew from Momma. She was like a lot of the rest of them, afraid to talk.

In about 1890, Grandpa and Grandma Pinson moved from Georgia to East Texas. There they cleared out a little spot of ground and a built a small house on land my brother now owns. It was a log house. I well remember the log house. We used to go upstairs in cold weather and pick off peanuts with the wind whistling around the house. It's a fond memory to us, that part. We didn't know the bad part.

So after about two years, Mr Pinson took pneumonia and of course they didn't have pencilin and other drugs at that time. And he died. So Grandma Pinson wrote back to one of her daughters in Georgia. Mrs. Pinson asked her if she would let Joe Shields come and spend awhile with her. Her daughter agreed to let him come, and in about two weeks he showed up.

Joe was a real attractive individual. He was about 6'2 and weighed 200 pounds or a little better. He was just the picture of an outstanding athlete. He had coal black hair, deep blue eyes, ruddy complexion, and square shoulders. He was much of a man.

Because of the lack of any social life, if you had a neighbor within two miles you were fortunate. And that was the case of Mrs. Pinson. So the sparsley settled community had "snap" parties for the young people on Saturday night. So out of his loneliness and hunger for associations, Joe got to going to these parties. He'd saddle his horse and ride the three, four, or five miles to a party. So it wasn't long before the girls became attracted to him, at least some of them. And the boys noticed

it. They didn't like it. So they decided to do something about it.

So they selected what they thought was their best fighter to whip Joe. Joe didn't want a fight. It was planned for one night at one of those parties. So this big old boy went to the door. They were in there playing snap. The boy invited Joe Shields outside. One of the challenges for a rassle, or a boxing match, or whatever, the one who challenged would just throw his hat out in the yard. Back then they wore hats in the house as well as outside. So as they went out on the porch and this old boy threw his hat in the yard, well Joe knew what this meant. If the challenged one accepted he just threw his hat out too. So this old boy's hat had no more hit the ground until Joe's hat was right behind it. The story goes they went at it like two mad bulldogs. It wasn't long before Joe had pinned him down. And this boy saw that he couldn't cope with this good athlete. He told Joe to let him up. And Joe said he wanted to know if he'd had enough before he'd let him up. Anyhow he let him up and brushed himself off and went back to the party.

So the party went on and nothing else was said. but two weeks later he came to a party and the gang decided to put two on him. So they went through the same kind of procedure. Then two hats hit the ground. He didn't hesitate and sailed his on out too. There were two on one. They rassled and boxed around there and finally old Joe got hold of one of them and threw him over his shoulder. The old boy hit the ground and had the wind knocked out of him and he couldn't get up. Joe and this other one continued fighting and Joe finally pinned him. To make a long story short they both agreed to let that one up. They'd had it. So Joe kind of cleaned himself up and went back in the house.

I don't know how long, maybe two or three weeks, Joe had been to a party. He came in. I learned recently he had dated a girl that night. That infuriated this gang. They had already planned to do it anyway. He had gotten home, unsaddled his horse,

and was putting the saddle in the crib where they kept the corn. While he was doing that, while he was in the crib, that gang showed up. And they got him as he came out of the crib.

He did everything he knew to try to get them to leave him alone. They told him they were going to kill him. So they carried him off, out to the road about 100 yards. Grandma Pinson followed begging them not to take Joe off.And one of them hollered, "If you don't go back we'll kill you too." So she went back to the house. Long about this time, one of the men had a beard and evidently he and Joe had had a pretty good round that night. And Joe hollered to her, "Next time you see---he'll need a shave." Joe identified one of them to Mrs. Pinson.

Now there's a conflicting story on that. The little house down on the camp road, it's not there now, well he lived there. And he was supposed to have tried to discourage the men. They went on anyway. But I was told this recently that this man really was in on it.

But anyhow they went on over a hill and down across a branch and out to the woods. They first hanged Joe to a dogwood tree. The dogwood tree wouldn't hold him and bent. So they took him off and to an oak tree. I had one party tell me that on the way to the red oak tree Joe offered to fight any two of them. If he won they were to let him go. He offered to fight any three of them. They turned him down. They hanged him to a limb on this red oak tree. The limb isn't there anymore, it rotted off. But the tree is still alive. We plan to fix it up and put a fence around it. It's in a pasture down in the woods.

There were a lot of pines with a cross made in them. Most of them died off. There are two or three still alive there. Why that was done I don't know. The marks might have been put on by the posse the next day. The next morning they got enough together to go find him. Grandma Pinson had walked two miles to a neighbor during the night to tell them Joe had been taken.

There was one party who was supposed to be implicated in it. The story on him I heard might not be true. That is, later on he got sick and was delirious and was talking and telling the whole story and telling the names of people involved. His wife called the doctor. She wouldn't let anybody in the room. The doctor put him under sedation until he died.

The violence was a way of life for those people. They took the law into their own hands. They were not going to have an outsider come into the community and mess with what they had going. It was jealousy most of all. Joe apparently had a good personality and was a good looking man. He met every challenge they threw at him. If they'd whipped him in one of the fights, the hanging probably never would have happened. They decided to get rid of him and that was it.

In my time I've seen two hangings. It was just a way of life. My daddy used to operate a gin. And there was a gin over on another road leading into Timpson. A fellow had gone down into the Colored quarters and I understand he got into a spat. A Colored man was trying to protect someone. This Colored man picked up a board and whacked the drunk man. The law came out and arrested the fellow and carried him to jail. They resented the affair. They changed jails. It upset a lot of people. Word got out the fellow was going to be turned loose. He had to take one of those roads past the gins. So there was a mob, and I heard them talking. He didn't come down our way but the other road. And the son of the man he killed shot him in the leg. So they carried him back and locked him up. A mob gathered and they got a big pole, and banged down the jail door. Then they took him out and hanged him right there on the court house square. But that's just one of several things that happened around. It wasn't peculiar just to that community. That was a way of life--violence and secrecy.

ANOTHER FRIEND SHARED THESE
REMEMBERANCE WITH US:

Joe Shields was a relative of a woman by the name of Mrs. Pinson. He came to live with her and help her farm. Her home was in the Prospect community. A creek was named after Mrs. Pinson, and it runs through our home place.

Back then dances were very popular. Joe went to most of the dances and was very popular with the women. He was a very handsome, and good and honest young man. This was one reason the men were jealous. A girl named Molly McCauley was also said to be one of the reasons Joe was killed. He had been dating Molly but they had broken up, or one was going out with others. He stopped dating her anyway. She was jealous, so it was said she was an instigator in his death.

So some of the men were angry with him. The men had divided into two groups. The first group took him and were going to whip him. But the second group wanted to kill him. When the second group arrived that evening, the first group left. Mrs. Pinson followed the second group, begging them not to hurt Joe. The group leader told her he would kill her if she did not leave. The gang leader was in his 50's or 60's.

Mrs. Pinson identified the gang leader to the sheriff. She said, "You will know this man because he will be clean shaven." The man had always had a thick beard. His name was Fayette Harris. The gang leader was a very influential man. He had negroes working for him and was very prosperous. His youngest son took the punishment along with a negro man who worked for the gang leader. Both men spent years in the penitentiary.

The gang leader had gotten Mrs. Pinson's daughter pregnant. She had a baby boy then left town. The gang leader was jealous because Joe had lived in the same house with Mrs. Pinson's daughter. The gang leader later remarried his wife (The daughter).

That was a rough time and people got by with al-

most anything. Everybody was running scared at that time, but she remembered a hen crowed the morning Joe Shields was killed. She had always heard that when a hen crows there well be a death. Her daddy was a deputy sheriff at that time, and he was present at Mrs. Pinson's statement.

Rusty Marshall

I first became familiar with the Joe Shields story in the spring of my senior year of high school in 1977. I had heard a little bit about Joe Shields while growing up in the Timpson area. But I became really familiar when our school got a state grant to do a film project. Our group chose as its project, Hangings in East Texas, particularly in Shelby County.

We interviewed several older people in the community, and one story kept coming up again and again. That was of the hanging of a young man named Joe Shields. We did an in depth study of Joe Shields. We made him the focus of our hanging films. Then I have done some personal research and talked to several different people. These people were either very young at the time, or whose parents were living in the area and were familiar with what was going on.

In the late 1800's there was an older couple living out of what is known as the Bueno Vista community. That was Mr. and Mrs. Pinson. He became ill and died during the winter of the year. Mrs. Pinson had a daughter living somewhere back east. I believe in Georgia. She wrote her daughter and said that she needed some help. So the daughter sent her son, Mrs. Pinson's grandson, to Texas to live with her and to help out on the farm. This young man's name was Joe Shields.

When Joe came into the community he was a popular boy right off the bat. He was a good looking fellow slightly over six feet tall, with dark hair, and muscular in build.

Back then the only entertainment they had was to go to parties. They would have parties and dances nearly every weekend. Joe got invited to these parties and he started seeing a couple of the young ladies there, and dated one of the more prominent young ladies in the community. And the story goes, that as the parties continued, his success with the ladies continued. And that even included some of the married ladies. This went on and on and finally some of the boy friends of the single girls and husbands of the married ones had had enough. They decided to put a stop to it.

There are conflicting stories from this point on. You hear that they just jumped him. I've heard this story from a reliable source that they challenged him at one of the parties. Joe was an outstanding boxer and he whipped the biggest boy they could put up against him. Later they brought two men up and he whipped them both. They saw right away they were having no success fighting the young man, Joe Shields. He could whip as many of them as he wanted to that they could put against him.

So one night after a party several men went over to the barn where Joe kept his horse. That night he came in after dark and as he pulled his horse into the crib in the barn where they keep the tack, he was going to unsaddle his horse. And a group of men, a mob, jumped Joe and started dragging him off. It started a great confusion and a whole lot of noise. His grandmother came outside with her lantern. The men told her, "Go back old lady or you'll die too." Of course she was greatly frightened and went back into the house. After a couple of hours she could stand it no more and went to a neighbor's house and they contacted the sheriff.

By the time the sheriff could get out there it was morning. They got to the farm and followed the tracks where they found Joe Shields hanging in a tree. It wasn't the type hanging that you'd think of today where they break their neck, Joe was really choked to death. Many say he was already dead before they hung him in the tree. That's be-

Jim Box, who did the illustrations, and Rusty Marshall, who helped on the research on Joe Shields. Both teach at Gary.

cause of the torture and abuse he went through. Things like having his fingernails pulled off and massive sexual abuse they put on him , mutilation would be a better word I'd think.

The next day the local school dismissed school, sent the girls home and took the boys down to see Joe Shields hanging in the tree. The word I got from an older gentleman who was in that group that day was that it was the most terrible thing he'd seen in his life, and he wouldn't want to see that again.

It was said that several people were invoked but that only three or four were implicated and it's said that two went to the penitentiary. Later their lawyer figured a way to get them out so reall no one was punished for what turned out to be the murder of Joe Shields.

One man late in his life was sick and in bed. He started talking names and telling the truth of what happened. Several people who were involved with the mob heard about it and called the doctor out. And the man was given a seditive so he gently went to sleep forever and ever, the secret with him. That's basically the story of Joe Shields as told to me by older people.

I currently work during the summmers at a camp. And this camp covers a lot of acres. The limb that Joe Shields was hung from has rotted off. People still go by today to see that tree and get a bit of the history behind the Joe Shields hanging.

THE BALLAD OF JOE SHIELDS

In eighteen hundred and ninty-two, to Texas Joe did come
In the piney woods 'round Timpson town, Grandma and he made home
In the days he worked in the fields and plowed
But at night his heart grew light
So he went to the parties and he met all the girls
Who swooned when he came in sight.

Chorus
Joe Shields was his name and he was quite handsome
He lived good but he died young
At the end of a rope underneath an old oak tree.

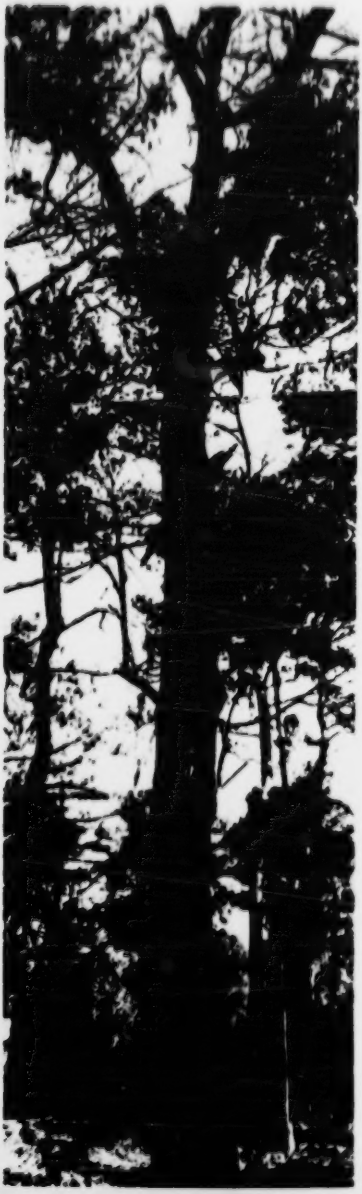
Now the boys 'round were unfriendly, twas Joe's name that they envie
They plotted and they planned it
And decided that Joe must die
Late one night they waited in the stables to catch him
Then they dragged him away 'bout a mile down the road
And hanged him to a limb.

Chorus

When the first dawn came early next morn, the rain was drizzlin' dow
The sheriff and his men found Joe and cut him to the ground
Now the story's been passed down through the years

And I've told it just that way
And some pines around are all X-marked
And the old oak stands today.

Chorus



The Hanging Tree.

Hangings in Shelby County

J.B. Sanders

Q. Do you think times have changed as far as peoples attitudes about hangings from back then?
J.B. I don't think things have changed as to the curiosity about it. People would attend a hanging or run to a shooting scrape. People would still go but the attitudes to hangings have. I think that in the book "Hangings in Shelby County" there were more whites hung than blacks by considerable number. Of course it was wrong with either one of them. Mob rule is not the way for people to live.
Brother Bob Rhodes
Q. Do you want to tell us the story connected with this tree?
Brother Bob This is my understanding, now, that this is a true story of where the hangings took place--this oak tree here. It must have been about 1890, I'm not too sure.
Mrs. Oddie Shepherd
I wrote a theme on it, this same story, when in college. And I should know it. It happened the latter part of 1891 or the early part of 1892, sometime during that winter. And there was this old lady who lived there on Pinson Creek and she had a relative who got into some trouble I'm told. And he went back to where they'd come from. It was some place in Georgia. And he had left his grandmother alone. And he came to Texas to his grandmother and was staying with her. His name was Joe Shields. His grandmother was named Pinson. The longer he stayed here he became popular among the young people. And some of the young men around here became jealous of him. Some of them were older men, and they became jealous of him.

I understood that he was a good looking young man and so it comes to me that he was a good boy. He stood in with the girls more or less I think. I think leading up to this story there was a party back over yonder where I come out, and that is known as the old Harris Place. They got in a fight that

night. One man in particular told me this himself. Of course he's dead and gone. Seems like that was the start of this trouble. And they later got him up to this place and brought him down here.

He came home one night. He'd been to a party He had ridden a mule or a horse, I don't know which and he was putting the mule up. He opened up the crib door to put the saddle in--out came all these men who had already surrounded there, and a lot of them. And some of them were very fierce. They had ropes and probally knives. I don't know if they had any guns. Anyway they lassoed him and he began screaming and hollering. And he called this old lady, his grandmother. They threw a lassoe rope in the barn while he was unsaddling his horse. They took him off.

Where this little barn was--it was about 200 or 300 yards from where they carried him to. And there was more than one, This lady knew there was more than one. She could hear them talking and a hollering, She had to run back in the house for a little brass lamp. And she took off behind them. And they threatened to throw the rope on her too if she did not go back, They went on for some little bit, on down below the house. And so she had to go back and she was afraid to go in that direction for fear of some of them hurting her. So, she went the other way. They had no close neighbors and it's quite a way to the house. I think it was across a creek and up a big hill to give the alarm for people to come. Well, they had gotten the mischief done and put him on a tree. And he was probally dead before they hung him on this tree.

Brother Bob Rhodes

I think the limb he was hung on rotted off. The tree is way over a hundred years old now.

Q Was there any truth to the story that when he left the house he told his grandmother, "When you find these men they'll be clean shaven."?

Brother Bob

That's the story I've always heard but don't know

the truth of it. I understand this man that was implicated in it and the one who went to the pen he always went unshaven. And this woman, the man's mother, told them that whenever they found this man, it was at the house where the party took place, that he'd be clean shaven.

J.B. Sanders

Q Mr. Sanders, will you tell us about this fellow Truitt? How he gathered his information when he was trying to dig out some information about the Joe Shields case?

J.B.S.

Well it's rumored that in trying to get this information he tried to eavesdrop around all these houses of those who he thought might be connected or who might talk about it. And it's said he'd crawl up under a house until the whole family went to to bed, He was hoping to get some little bit of information he could use in court. And he eventually got himself so worked up in this case that he committed suicide in one of the old time gins up near Timpson. Mr. Truitt was a member of the Legislature and also a prominent lawyer.

Brother Bob

This man that was in the school group came down here when he was hanging in the tree. That's the only thing I could go along with for sure. He was a little school boy then but he was a grown man when he told me. The teacher brought the whole school, which was just up here the other side of the church, to see him hanging there in that tree. He was still hanging there. He said plenty. He said it was the worse thing the teacher could have done. It's a place of no good feeling.

Edward Hughes

The only thing I know is what I was told by my parents. My dad was Tom Hughes. My grandfather settled this place, I believe, before the Civil War.

Edward and Van Hughes.

My family on both sides was kind of connected with that. Now I understand there was a lady named Grandma Pinson, who was mother-in-law of my Grandpa Foster, by his first wife. My Grandpa Foster had two wives, and when the first one died he married my grandmother.

This Joe Shields was a young man and Mrs. Pinson was an elderly widow woman living by herself. And he was staying there working for her. I understand it was on a Sunday night, and Joe Shields had been off somewhere. Everybody in those days rode horses, it was the only transportation.

A group of men grabbed him, and took him off and hung him. That's about the story. I don't know who was involved. But Grandma Pinson said, she saw them when they took him off. The only one I can remember she named was Fayett Harris. I believe she said it on the witness stand, that Joe Shields called to her. And he said that the next time you see Fayett Harris he'll be cleaned shaved. And he was clean shaven after having worn a beard before.

I don't really remember if he got any time or how the trial came out.

I do remember being told that my uncle, one of my dad's elder brothers, got accused of being involved in the murder. His name was Henry. I know my dad telling me that he had to do most of the work on the farm one time. His dad, my grandaddy, they were all going to court. My dad was about fourteen at the time. I believe this brother who was accused was about eighteen.

The motive I do remember hearing about was that Joe Shields was a stranger who had come into the community. I did hear he might be related to somebody and was going to inherit some land. And he was a good looking young man who was popular with the young ladies of the community.

My uncle Henry came clear after being accused of it. Now whether he was involved in it or not, I have no way of knowing. I don't know if Bart Hughes was involved either, he was a cousin of my daddy.

There was a Hughes who was a sister of my grandfather named Ella Hughes. She married a Harris. I don't know if it was Fayett Harris or not. I understand it was the Harris' who tried to bring the Hughes' into the deal. I do know that it caused some bad feeling between the two families.

Van Hughes (Bart's son)

This old black woman told me most about it. Her name was Dinah Bell. She spent that night with Mrs. Pinson. She told who they thought did it. They talked about a man who would be clean shaven. They thought by that he was the one who did it. It's been a long time. I remember old Dinah was helping me sort out some sweet potatoes once. And she got in a conversation telling me about it. I never did hear my parents talk about it. But Dinah Bell was there and told me about it. Word for word I can't remember what she said. But she did tell what happened and why. It seemed they envied him. I

heard he was too popular with the girls. I don't remember if Dinah Bell had to appear at the trial. It was in court quite awhile, I believe a part of it in San Augustine. That about covers all I can remember. I think Dinah Bell and her husband named Smart knew more about it than most anybody.

Cleva Cantrell

My mother was a Harris. She was the oldest girl of Ike Harris. And he had a brother, Billy Harris, who was involved. Somehow or other he was accused of this murder on account of some horse that had a crooked hoof. They put it in his field. I guess it was his horse. I don't really know. But I do know that's how they traced it to him.

Of course he was on trial. But he was innocent. They just framed him. The thing was about Joe Shields. I think the ones that murdered him were just mostly jealous. He was a young, handsome, nice personality man as far as I know. I think the men were jealous because he could get his way with the women folk. I guess they just wanted to get rid of him.

All I know is he did live with Mrs. Pinson over close where they did hang him. And they came there and got him out someway. And they dragged him behind the horses. I think that there were eleven men involved. I don't know of any of the men. I just heard the talk of my Uncle Billy. That was my grandfather's brother.

They traced that crooked foot mule or horse back to Uncle Billy. They must have stolen it to use it and put it back in his field. I'm sure they were wanting to get somebody to blame this murder on.

I know him well. I must have been ten years old when he died but I do remember him well. He was a fine person really.

There was a lawyer who came in, Jim Truitt, who took my uncle's case. He used to go around

Paula and Cleva Cantrell at the Harris Reunion.

the suspicious ones--hide behind doors or under houses to accumulate the evidence. He was trying to clear my uncle. But my grandfather, Ike Harris, and my grandmother had to go to court as character witnesses. That was in San Augustine. They had to go down there driving a buggy and a horse. That's the way you had to travel in those days. It was hard on them because they had young children too. It was an all day trip you see. So Billy went to prison for awhile. I don't think he had to stay too long before they got him out. He come back and married and raised a family. He named one of his sons Jim Truitt Harris. But as far as I know anyone now who was there at the time who remembers.

Fayette Harris, well I always called him Uncle Fayette. He must have been my grandfathers' uncle. I just heard about him. That's all I remember--I don't recall seeing him or knowing him. He must have been alive in my time though. I was born in

1909. I just remember hearing of him. My mother's sisters probably remember him.

That murder was a sad time. It was the talk around here for years and years. It was such a cruel murder, how they dragged him behind the horses for about a mile and a half before they hung him on the tree. And they hung him near Pinson Creek. We could pass close by on the way to Toron and remember. The talk was that nobody approved of it. Joe Shields was well thought of. I guess from the talk some women did yield to him or so it was thought.

I believe Jim Truitt must have finally found some evidence to get Uncle Billy out of prison. It took a lot of work to do that.

Garland Bailey

My mother's name was Fanny Harris. Her brothers were Ike, Bill, and Ed.

Joe Shields was a fine looking man back in those days. He always rode a good looking horse and had a good rig. He was pretty popular among the women. These folks who killed him didn't like him for some reason. Now I don't know the reason. But anyhow, my Uncle Fayette Harris and Bill Harris (who wasn't much more than a kid of a boy) were down in San Augustine County where they had them in jail.

So Joe Shields had been hung. And they were down there, and these folks laid it off on Uncle Fayette Harris and Bill Harris, my mother's brother. I can't recall who put the blame on them. And they proved it in court that Uncle Fayette Harris and Bill Harris hung Joe Shields. Well, Uncle Fayette Harris was my mother's daddy's brother. Bill Harris was his nephew and had gone to spend the night with him. And they were just as innocent as me and you. Anyhow,they sent Bill Harris to the pen for life. This old man on his death bed confessed to it. But Bill Harris had had to

spend five years in the penitentiary. He was tried down in San Augustine.

Now why they never did try Uncle Fayette I don't know that. But they kept him in jail. I don't think he ever went on trial and he never did go to the penitentiary. He fiddled his way out of jail I guess. He could really play the fiddle and was a good mixer. He was kind of a comedian and everyone liked him. He had lots of visitors in jail who'd come by and he'd tell them all about it and that he really didn't know how he got involved. People had sympathy for him, and his case never did come up. Then this old man confessed on his death bed. I guess Uncle Fayette just stayed in jail in San Augustine for five years. But his case never did come up. He made friends everywhere he went. I never met him but I remember my mother talking about him. I know they turned Uncle Bill out of the pen with a suit of clothes for the five years work he did. And his girlfriend waited for him, and when he got out she married him. They moved down to South Texas at Three Rivers in Live Oak County. I only saw Uncle Bill two or three times in my life but knew his three boys. Bill Harris was elected Commissioner for as long as he wanted, and one of his sons succeeded him. They did well down there.

The Joe Shields hanging was a bad thing. The men who did it were sharp. They had it all planned, cut and dry and everything. And they made the court believe it. They framed Uncle Bill with that crooked footed horse or mule. Uncle Bill Harris, that was mother's father. He owned a big farm up here around Timpson. He had to sell everything he had to fight the case with. The older Bill and Fayette were brothers. And Bill had to sell eveything to defend his son. The older Bill was my grandfather Harris. Bill was a brother to my mother.

Nadine Harris Dunaway

That murder has always been a mystery. It never was solved. Uncle Bill was innocent even though he spent five years in the pen. I don't remember Uncle Fayette or his wife Aunt Fannie. Somebody cleared him..

A bunch of boys hung Joe Shields. I don't recall their names. They were jealous because Joe Shields was popular with the ladies. So they cooked up the deal about Joe stealing a horse. I guess they took it over to his house. It was a beautiful black horse. They accused him. Then they ganged up and got him. Between our house and Prospect is a little branch called Rocky Spring Branch. So they took him there and hung him. Of course they indicted my uncle. They ganged up against my Uncle Bill Harris and said he was the one who killed Joe Shields.

The trial went on for many days in San Augustine. They convicted my Uncle Bill and he spent five years in prison before he got pardoned. I don't know who really did it.

Mary Lois Briggs, Mary Ann Bright, Nadine Dunaway, and Claudine Dunaway at the Harris Reunion.

GALVESTON DAILY NEWS, THURSDAY, FEBRUARY 18, 1892

REMANDED WITHOUT BAIL

Four of the Accused Remanded and the Balance Discharged--
A Synopsis of the Evidence.

Center, Tex., Feb. 17- On the night of the 28th of January last, about ten miles northwest of this place and about seven miles from Timpson, there was committed the foulest murder that has over darkened the fair name of Shelby county, as already reported in brief dispatches to THE NEWS.

Joe Shields, a young man who had been living in this county for more than three years and against whom no one knew aught, was rudely taken from his home, dragged about three-quarters of a mile from the house and hanged to a limb.

Suspicion at once fell upon Fayette Harris, a man who lived about one mile from where young Shields had made his home since he came to this county, and he, together with Billy Harris, his nephew, who also lived in the same communtiy, and two negroes, Charley Peddy and Jim Stanton, were arrested, charged with the crime; and on the Saturday following Jim Harris, a son of Fayette, was also arrested, and the five were placed in jail. Excitement ran very high and threats of lynching were made on all sides, to prevent which Sheriff Garrett kept a strong guard around the jail.

During the next few days one after another was charged with aiding in the terrible deed and their arrests followed immediately until eleven persons, whites and negroes, were in jail.

Fayette Harris has lived in this county for thirteen or fourteen years, having come from near Bolivar, Tenn., with a wife and children, and settled near where the crime with which he is charged was committed. About the year 1884 or'85 he left his wife, and she sought and obtained a divorce from him, after which he almost immediately married a Miss Pinson, with whom he lived for a few years and she died, leaving two girl children as the issue of the marriage. Soon after the death of this wife he returned to his first love and was remarried to his former wife, with whom he has since lived. The two children of his Pinson wife have,

since the death of their mother, lived with the old lady Pinson, their grandmother. The old lady Pinson was alone save the companionship of the two wee tots, until Joe Shields came to live and care for her. It is said he was sent to care for her by a son. Shields seems to have been very kind to and thoughtful of the comfort of the old lady, and she thought there was nobody like Joe. She was very old and could not be expected to live long, and Harris, it is said, thought that but for Shields being in the way his two children would soon inherit all the property possessed by the old lady, and so there soon sprang up a difference between Shields and himself, and they had frequent quarrels and on one occasion came to blows.

The people have flocked to the courthouse from all parts of the county, so great was their anxiety to learn all about the terrible murder and to know for certain whether or not the right parties had been caught.

Mr. Joe C. Shields, an uncle of the murdered boy, and Messrs. G.W. Lindley and J.A. Reed, friends of his, all from Wood county, have been here during the entire trial and have manifested great interest in it.

The trial ended this evening and upon the order of the presiding justice Fayette Harris, Billie Harris, Charley Peddy and Jim Stanton were remanded without bail and the case dismissed as to James Harris and all the others charged with the hanging.

Thus closed the most lenghty as well as the most interesting examining trial ever held in Shelby county, if not in the state of Texas. The trial was begun on the 4th and ended on the 17th, and throughout that great length of time Justice J.E. Wright sat day after day, holding in his hands the seales of justice and not allowing a feather's weight to be cast into either side, except such matter as he thought ought to be weighed, and demeaning himself with that dignity and unswerving purpose which should ever characterize the judiciary, either high or low in rank.

The crime with which the defendants stand charged is the most heinous and inhuman murder which the people of this county have ever known, but the NEWS correspondent desires to correct a matter in connection with the murder which has appeared in several papers, that the murderers not satisfied with their foul deed after they had hung their victim,

built a fire under his feet and burned the corpse. There is nothing in the evidence indicating such a fact, and those who were at the fatal tree first next morning say such was not the case.

The state has been ably represented by County Attorney C.B. Short, assisted by Messrs. Wheeler & Wheeler, while the interests of the defendants have been well guarded by Messrs. Truit & Espy and Hon. J.W. Truit present member of the legislature from this district.

J.B. Waller, Dud and Aquilla Bell, Steve Stanton and Jim Powdrill, the last two negroes, were also jailed charged with the crime, but were arrested after the five whose cases have been disposed of.

Staements from the most material witnesses will perhaps give a better insight into the crime and the motives prompting it than could be otherwise given, and therefore the following facts are given as stated by the witnesses.

Mrs. Pinson's Story

Mrs. N.M. Pinson testified: My name is N.M. Pinson; know Fayette Harris, Jim Harris, Bill Harris, Charley Peddy and Jim Stanton, alias Jim Needham. Have known Fayette Harris thirteen or fourteen years; has lived twelve or thirteen years about one mile from my house. Jim Harris is a son of Fayette and Bill a nephew. Jim Stanton and Charley Peddy lived with Fayette Harris on the 28th of January last. Was acquainted with the deceased, Joe Shields. Fayette Harris married my daughter and has two children by her. She is dead, but the children are living. I own three mules, one horse, several head of cattle and 390 acres of land. The value of my real estate is about $2000, personal property $500; knew Joe Shields three years; he had lived that time at my house; the feeling between him and Fayette Harris was not very good for the last two years; last Christmas a year ago Fayette Harris came to my house and talked to me about Joe destroying my property; I told him that was nobody's business but mine; he said it was his business; told me Joe Shields had to leave my house; I said he would not leave till he got ready; Fayette Harris said,:Damn him I will make him leave;" he stamped his foot on the floor and said he would blow his damned brains out; he tried a number of times to get me to turn Joe off. The last time he tried to get me turn Joe off and let him have

possession of the place, said he would take the place as Joe had it and take me and the children (his two children by my daughter) and support us and give me a bale cotton extra. I told him no, I would keep Joe. The next morning after Joe and Harris were said to have a fight (which was about last Christmas) Jim Tyer came to my house before sunrise and called for Joe. I told him I did not know where he was. He then got up and left; as he went off our gallery I went to the other where I could see, and there stood Fayette Harris, and he asked Tyer "where is he" Tyer replied: "Mrs. Pinson says he is not here." They then walked off toward Harris'. At that time Joe was at home in bed. The defendant, Charley Peddy, lived at my house last year and made a crop. Jim Stanton lives with Fayette Harris. I am well acquainted with the voices of Fayette Harris and Charley Peddy. (Witness pointed out all the defendants in court). The last time I saw Joe Shields alive was at my house on the 28th day of January, between 12 and 1 o'clock in the day. He was in company with Bill Harris and Charley White. Bill Harris and Joe left together. Joe returned between 11 and 12 o'clock that night: he came to the horse lot gate; I heard him when he rode up; heard him throw his saddle in the crib. I next heard an alarming voice call, "Mrs. Pinson, run here." I ran toward the lot and cried, "Joe, oh, Joe; what is the matter?" He replied, "Harris is killing me." I saw the bulk of three men, the best I could tell; they seemed to have him down on the ground. They did not stay there more than an instant. They then took him around the crib from me. The next I heard Joe's voice say, "Oh, boys; don't." They got him over the fence and went off. I recognized the voice of Fayette Harris when they were down over him. I followed them on and asked several times where was Joe. They made no reply. I kept on asking, and they finally told me to go back. I repeated the question, "Where is Joe?" and they replied, "I tell you to go back." I asked them to tell me what they had done with Joe. They replied: "We threw him in the crib, and if you don't go back we will kill you." It was Charley Peddy who used this language to me. I followed them 300 or 400 yards, and then turned back and went back to Jake Ross' and requested him to notify the people.

Other State Witnesses

Randolph Tyer said: I went to Mrs. Pinson's on the morning of January 29; went very early; by Mrs. Pinson's directions as to course I went in search of Joe Shields, and saw his dead body hanging to a limb four or five hundred yards from Mrs. Pinson's house.

Arthur Tatum, a negro boy about 18 years old, said: The next morning after Joe Shields was hanged I heard of it; was standing in the road. Dud Bell and Jim Stanton met in the road where I was standing. Dud Bell said to me and Jim Stanton: "Have you heard the news?" We replied, "We have not." Dud then said: "Mr. Joe Shields was taken out and hung last night." I asked Jim Stanton to let me ride in his wagon; he said all right. I got in, and after riding a short distance Jim Stanton said to me; "I will tell you something if you won't say anything about it." I made no reply. He then said, "I was into that." We had been talking of nothing except the hanging of Joe Shields. When I went to leave him he said to me, "Don't say anything about what I told you; if you do I will get into it."

Randolph Tyer, recalled, said: I saw Smart Bell pick up a watch chain in Mrs. Pinson's lot the next morning after Joe Shields was hung. The chain handed to me now is the same chain. About one week before Shields was hung I saw this chain, to the best of my recollection the defendant Jim Stanton had it on.

Charley Reed said: I saw the defendant, Jim Stanton, some time in the fall of 1891 buy a watch chain from my brother. The chain now handed me looks like the one. The one sold to Jim Stanton by my brother had a little stirup on it like this one.

A.W. Ballard said: I know Fayett Harris; met him last fall. He said he was going to let Joe Shields stay at Mrs. Pinson's until he gathered his crop and got it off, then he was going to him (Shields) and give him a certain time to leave the country, and if he did not leave, G-d d--n him, he was going to put him to a limb. Said the old lady Pinson was getting old and would not live long, and that fellow (Joe Shields) was staying there and making way with her property. He had two children there who would at her death be heir to all she had; said that was his reason for wanting to get rid of Shields. I know Billie Harris;

had a days before the killing of Joe Shields; was telling me about a fuss Joe Shields and his uncle, Fayette Harris, had a short time before that. He said his uncle Fayette had been accused of shooting at Shields, but it could not be proven on him; said Shields was a G-- d--- black hearted s--of a b----, and if he didn't mind his light would be put out.

Lee Brown said: I know Fayette Harris. Knew deceased. Saw them together at Jake Ross' on the Saturday night after Christmas. I heard Harris say to Shields: "You have not paid Mrs. Pinson's doctor bill, nor her tax; that he had made away with her property and that he (Shields) was making away with his (Harris') children's property." Shields said, "I don't know they are your children. I hear folks say so." Harris said, "You are a d---d liar, you know they are my children. The next I saw they were fighting, and Shields had Harris down. Harris said let me up and I will let you alone. Shields got off him, and went out the door running. Fayett Harris shot at him as he was running out of the door.

Thomas J. Clements said: I am justice of the peace; I held an inquest over the dead body of Joe Shields; first saw the body hanging to a limb with a rope around the neck, his hands tied behind and his feet tied together (produced cords with which hands and feet were tied). After being shown a rope,says: From the best of my knowledge, this is the rope that was around his neck; it has what I take to be blood on it, and so had the one taken from Shields; neck; my best judgment is that this is the rope I gave the rope after the inquest to Z. Booth, deputy sheriff.

Z. Booth said: Was at the inquest over the body of Joe Shields. Thomsa J. Clement told me where the rope was which was taken from the neck of Joe Shields. Being shown a rope, says it is the same rope.

Thomas Reed said: Know Billie Harris saw him Thursday night, January 28 saw him at my house; came to bring a horse I had bought from him; led the horse with a rope; had seen him in daytime with same horse and same rope round his neck; the rope now handed me is similar to the one he had that night. If there is any difference between the rope that was around Joe Shields ; neck, the one Billie Harris had on the horse at my house and the one now

handed me I don't know it. Then he left my house he said he was going to his uncle Fayette's.
Arch. McLaughlin said: I know Charley Peddy; saw him the evening before Joe Shields was hanged; had a conversation with him in which he told me that Fayette Harris and Joe Shields had had a diffculty some time before that; said the people thought it was settled, but that Shields was liable to be taken out and hanged or mobbed at any minute.

The Defendants' Witnesses

The state's counsel here began to introduce the defendants' witnesses and began with Mrs. Emma Waller, wife of one of the parties in jail but not on trial. She said:

On the night Joe Shields was hung Fayette and Billie Harris came to our house between 7and 8o'clock. After sitting a whileFayetteHarris said our clock was too slow. We moved it up to 9 o'clock, which was fifteen minutes behind Harris' watch. They remained at my house till five minutes before 11 and left together. I think it is about three-fourths of a mile from my house to Fayett Harris'.

Pinkey Harris, daughter of Fayett, 12 years old, was next introduced and said: I was at home the night Joe Shields was hung; father returned from Timpson between 7 and 8 o'clock; we had eaten supper; while he was at the lot putting up his mule Billie Harris came; father and Billie ate supper and after a short while went down to Mr. Waller's. They returned home that night fifteen minutes after 11 o'clock.

John Bell, father Dud and Quilla Bell, in jail but not on trial, said: Was at home the night Joe Shields was hung. Dud and Quilla went to a party on Judge Wheeler's place. In going from my place to Judge Wheeler's and returning one would pass directly by Mrs. Pinson's. Dud and Quilla returned home ten or fifteen minutes before 11 o'clock. They told me the next morning about hearing some one halloo at Mrs. Pinson's when they were about one-fourth of a mile from her house, but that they thought nothing strange of it at the time. At 20 minutes after 12 o'clock Smart Bell came to my house and said Mrs. Pinson had come over to his house and said somebody had come to her house and had taken Joe Shields off, and she wanted the neighbors to come in and see what tney had done

with him. Dud and Quilla told me next morning that they met Joe Shields about seventy-five yards from Mrs. Pinson's horse lot.

Dud Bell, one of the accused, was next placed upon the stand by the state, and said: On the night Joe Shields was hung Quilla and I went to a party on Judge Wheeler's place; left there short while before 10 o'clock; came home via Mrs. Pinson's. About seventy-five yards from her lot we met Joe Shields. We spoke and halted a minute, and went on directly home, about two miles from Mrs. Pinson's; got home a few minutes before 11 o'clock. When we got about a quarter of a mile from Mrs. Pinson's place we heard some one call Joe two or three times; it was not a man's voice.

Frank Whiteside, said: I was at John Bell's the night Joe Shields was hung. Willie Hughes and myself were in the room by the fire; the family had retired. Just as I was preparing to retire, I looked up at the clock and said to Willie Hughes,"It is about 11 o'clock, we had better retire." Dud and Quilla Bell were not in that room when I retired. It was twenty or thirty minutes after I retired before I went to sleep. I never heard Dud and Quilla come in the house before I went to sleep.

The above is a synopsis of the evidence of but few witnesses, in fact it would require almost an entire issue of THE NEWS to contain it all, but a great deal of it is unimportant and would not be of interest to the general reader.

Harris v. State.

(Court of Criminal Appeals of Texas. Jan. 7, 1893)

Homicide--Evidence--Acts and Declarations of Co-Conspirator--Instructions.

1, In a prosecution for murder, where there is evidence of a conspiracy to commit the crime between defendant and a codefendant, and that they were together at the time of the homicide, it is not error to allow the state to prove acts and declarations of the codefendant showing the latter's hatred against deceased, and preparations and attempts

to kill him, though at the time of such acts and declarations no conspiracy existed.

2. In a prosecution for murder, where there is evidence of a conspiracy between defendant and others to commit the homicide, and of acts and declarations of an alleged co-conspirator, instructions that, where a conspiracy is entered into between two or more, the acts and declaraions of each in regard to the common purpose are the acts and declarations of all; and, when one enters into a conspiracy already formed, every act done by the others, before his entry or afterwards, in pursuance of the common design, is the act of the one of so entering: and that if H. (a codefendant) and others formed a common purpose to kill deceased, and time before the killing, the acts and declarations of the co-conspirators made and done in pursuance of the common design after said agreement was made by H., and others, and before the killing, are admissible against defendant, but if defendant did not enter into such conspiracy the testimony should be disregarded in passing on his guilt, --are not objectionable.

3. In a prosecution for murder, where there is evidence that a number of people took part in the homicide, and that defendant was among them, exclusion of evidence offered by defendant to show threats and ill feeling against deceased of a person not indicted with the others, if error, is harmless since the presence of such person and participation in the crime could not benefit defendant.

Appeal from district court, Shelby county: George F. Ingraham, Judge.

Prosecution of William Harris, Jr., for murder. Defendant was convicted, and appeals. Affirmed.

Davis & Garrison, J.H. Truitt, and F.L. Johnson, for appellant. R.L. Henry, Asst. Atty. Gen., for the State.

SIMKINS, J. Appellant was convicted of murder in the first degree, and his punishment assessed at

imprisonment for life in the penitentiary, from which judgment he appeals.

There are four errors assigned which it will be necessary to consider.

1. That the court erred in permitting certain witnesses to testify as to the motive, malice, and threats of Fayette Harris against Jo Shields, the deceased, as shown in the bill of exceptions. On the night of January 20, 1892, between 9 and 11 o'clock, Jo Shields, a young man, residing with Mrs. Pinson, an old lady 70 years of age, and living in Shelby county, was taken out and hung. The state, to show motive for the crime, proved the acts and declarations of Fayette Harris, a codefendant, against the deceased, extending back for a year before the trial. The defense objected to this testimony, upon the ground that only those acts and declarations of a codefendant were admissible against defendant which transpired during the existence and in pursuance of a conspiracy, and not before or after it. The acts and declarations of Fayette Harris occurring long prior to the formation of the conspiracy were introduced by the state, and duly excepted to in 15 bills of exceptions. Like many other propositions of law, the rule is definate, (Roscoe, Crim. Ev. 416; Whart. Crim. Law, 702,) but its application is generally a question of difficulty. It has been frequently before this court. Krebs v. State, 8 Tex. App.1; Preston's Case, Id. 35; Crook's Case, 27 Tex. App. 240, 11 S.W. Rep. 444; Jim Smith's Case, 21 Tex. App. 102, 17 S.W. Rep. 552; M. Smith's Case, 21 Tex. App. 120, 17 S.W. Rep. 558; Pinson's Case, 18 Tex. App. 556; Thompson's Case, 19 Tex. App. 595. In an early case (Cox's Case, 8 Tex. App. 254) this court held that the old rule that a conspiracy must first be established before the acts and declarations of individual conspirators are admissible against each other is now exploded. Such a rule cannot be invoked "Where the proof depends on a vast amount of circumstantial evidence, and a vast number of isolated and independent facts." The time when a conspiracy is entered into is often a disputed fact, and must then be submitted to the determination of

the jury, under instructions to disregard any act or declarations not occurring during the existence of the conspiracy. Under this practice, this court, from the very necessity of the case, cannot reverse because of proof of the conduct of one or more conspirators that may have preceded the conspiracy. Still less would it be inclined to reverse in cases like the one at bar, where the objectionable testimony went to prove the same fact which was otherwise shown by competent testimony. Thus it is shown by legitimate testimony that Fayette Harris bore a bitter animosity to the deceased up to the day of his death. The testimony objected to simply proved that the animosity extended back a year prior to the homicide: that it was a matter of public notoriety: that defendant knew of and sympathized with it; and that his presence at the homicide was consistent with his feelings. There is no question that the homicide was the result of a conspiracy deliberately planned and consummated. The question in this case was whether the defendant was present at the homicide. By his own testimony, the testimony of Mrs. Fayette Harris and Waller, and his own repeated declarations, defendant was with Fayette Harris from 8 until 11 on the night of the homicide. It was in this interval of time that Jo Shields was murdered. If, then, Fayette Harris was present, so was defendant. For obvious reasons, therefore, it devolved upon the state to establish the guilt of Fayette Harris. It sought to do so by proof of a long-existing hatred and jealousy, of repeated deliberate preparations to kill the deceased, and of an actual attempt to do so, and finally by the evidence of a witness to the homicide. It was evidently the theory of the state that Fayette Harris, the uncle of the defendant, was the instigator of the whole matter: that, fearing that Jo Shields would get a large share of Mrs. Pinson's property if he continued to live with her, he (Harris) first tried to get her to discharge deceased, and , failing in that, he began a systemic plan of trying to turn the whole neighborhood against him, and had succeeded in getting a mob of six or eight to assist him in carrying out his plan to murder. The

primary question, then, being the guilt of Fayette Harris, neither reason nor common sense required that evidence tending to prove that guilt should be exclude but, as has been well said, "when a foul assassination like this has occurred, and the circumstances attending it are shrouded in mustery, the command of the law is, 'Turn on the light'" In the case of Smith v.State 21 Tex. App. 102, 17 S.W. Rep. 552, this very question was presented. It was objected that defendant in that case could not be bound by the acts and declarations of one whom the state claimed to be the originator of the conspiracy, occurring before there was any conspiracy formed. This court held that, though no conspiracy in fact existed, the testimony was admissible to show the guilt of the originator, and then the state could prove defendant's connection there with. We see No error in admitting the testimony, especially as it was duly guarded by the charge of the court.

2. Defendant complains that the court erred in not properly guarding the defendant's interest in his charge, but allowed the jury to consider any act of the codefendants, without regard to the begining or end of the conspiracy, in determining defendant's guilt. An examination of this charge will not sustain this contention. The court charged substantially that where a conspiracy was entered into between two or more, the acts and declarations of each in regard to the common purpose are the act and declaration of all; and, when one enters into a conspiracy already formed, every act done by the others, before his entry or afterwards, in pursuance of the common design, and until its consummation, is the act of the one so entering. If the jury believes, beyond a reasonable doubt that Harris and others formed a common purpose to kill deceased, and defendant entered into the conspiracy at any time before the death of Shields, "the acts and declarations of the conspirators" made and done in pursuance of the common design after said agreement was entered into by Fayette Harris and others, and before the killing of Shields, were admissible against defendant; but, if defendant did not enter into such conspiracy, they should disregard

such testimony in passing on defendant's guilt. Appellant objects to the latter portion of this charge on the ground that the court should have charged that if defendant did not enter into the conspiracy before the death of Shields, they should acquit defendant. It is to be observed that the court was charging upon the consideration of certain testimony then before the jury, admitted by the court upon the theory of conspiracy, and the court was simply telling them that, unless the defendant entered into the conspiracy, they could not consider the testimony for any purpose. In that point of view the charge was correct. Upon the question of defendant's guilt, the court charged that, if the jury had a reasonable doubt of defendant's presence at the time and place of the homicide, they should acquit him, and this was sufficient.

3. Appellant complains that the court erred in not permitting him to prove the ill feeling and threats of Ardis Page and others against deceased. Conceding that the court should have permitted this testimony, we cannot see how it would have benefited the defendant. The fact that Ardis Page and others were present at the homicide in no way tends to prove that defendant was absent. Indeed, the testimony seems clearly to indicate that there were others present besides those indicted in this case. Mrs. Pinson says, when they were dragging Jo Shields up the road, she heard a considerable noise in the bushes on the same side with the lot, and it sounded like horses. Again, Randolph Tyer, a witness for the state, declares that the tracks show that seven or eight men were present. Again, the identified tracks of the "Tobe" mule and other mules coming from the direction of Rainsville, and hitched near the scene of homicide, indicate with strong probablity the presence and identity of other parties who came to take part in the bloody drama. But if Mrs. Pinson is to be believed, Fayette Harris was one of the parties present, and from defendant's own lips comes the confirmation that he was with Fayette Harris at this time. Preston's Case, 8 Tex. App. 35, 36.

4. Appellant insists that this case ought to be

reversed because there is no evidence directly or indirectly connecting defendant with the homicide. We do not agree with him. Not only does defendant's own testimony, with that of other witnesses introduced by him, prove that defendant was with Fayette Harris on that fatal night, and irrevocably binds his fate to that of his uncle, but there are independant facts in the record strongly tending to corroborate that statement. It seems that Fayette Harris first married Mrs. Pinson's daughter, by whom he had two children, who at the death of their mother, and upon their father's second marriage, resided with their grandmother; that the deceased, Jo Shields, three years before the homicide, rented Mrs. Pinson's farm, and took charge of it, and supported Mrs. Pinson and her grandchildren. The kindness of the old lady to young Shields aroused the bitter jealousy of Fayette Harris, who saw in the intruder a possible heir and owner of the old lady's property, worth $2,000, and he began planning to drive him out of the property, to which he probably felt he had the better right. He endeavored to do this by compelling Mrs. Pinson to discharge Shields, by trying to drive him away through fear, and finally destroyed him through a mob. His repeated efforts to induce Mrs. Pinson to drive Shields away failed; so did his efforts to drive him away. Indeed, a month before the homicide he attacked the deceased, but was severely handled, and his whiskers torn out. On being allowed to rise, he suddenly shot at deceased, but missed him. He then strove to excite the ill will of the nieghborhood against deceased, and openly spoke of his preparation and intention of killing him. He not only threatened him in conversation with neighbors, but even spoke to parties with whom he was not on intimate terms, and told them the story of his wrongs, to wit, how Jo Shields was getting away with his children's property. It seems too clear for doubt that defendant knew of and shared in the ill will of his uncle, and indulged in bitter denunciations of the deceased, regretting he was not present at the fight; stating he was going to see his uncle, and the --- of a ----- ought to be hung; and on a-

nother occasion stating that his light would go out if he did not mind. On the morning of the homicide, defendant dined with the deceased. The ostensible purpose was to get a favor from Jo Shields. They rode off together after dinner, and, when separating in the evening, defendant was twice heard to ask Jo Shields if we would return home that night. Defendant, on the day of the homicide, in desiring one White to arrange a credit for him with Jo Shields, requested to arrange it that day, as he (defendant) would have something to do the next day. After separating from Shields, and two hours before the homicide, defendant delivered a horse that he had sold to one Tom Reed. There was an old three quarter inch grass rope, 15 feet long, around the horse's neck, which was taken off by Reed, doubled up, and handed to one Louis Tyer, who delivered it to defendant, who tied it to his saddle. Both of these witnesses, while they cannot identify the rope, state it resembles in length and appearance the rope with which Shields was hung; the witness Tyer stating he had often seen a similar rope about the neck of defendant's horse. Defendant had a newer rope and one of the same length on his horse's neck next day, which he proved by a witness and his own testimony was his rope. So it is to be noted that , at the lot fence where the mob lifted Jo Shields over, they picked up, next morning, a steel watch chain, with a stirrup charm. It was shown that defendant Jim Starnton had purchased a similar chain and charm; yet on the trial another chain was produced like the one found, but with a different charm. These may be slight circumstances, but perhaps the facility with which the duplicate of the watch chain was supplied created a doubt in the mind of the jury as to the genuineness of defendant's disclaimer of the rope found around the neck of Shields.

Again, the morning after the homicide, before the fate of Jo Shields was known, defendant stated to Bud Powers that Shields had been taken out and hung. He claimed the news was obtained through Firman. Yet, as a fact, the only statement that had been made was that three men had carried Jo Shields off. Defendant

claimed an alibi for himself and Fayette Harris at the time of the killing. He says, after delivering the horse to Reed, he rode to his uncle's, and remained with him till after supper. They left the house at 8 o'clock, and did not return till 11:15. This is fully corroborated by Mrs. Fayette Harris. It was during this interval Jo Shields was killed. It was one mile to Mrs. Pinson's. Defendant claims that he and his uncle spent this interval in visiting Warren's house, who lived three fourths of a mile off, and this is corroborated by Warren and wife. But apart from the bad reputation of Warren for truth, and their finding at Warren's house a lightwood splinter like those found at Jo Shields' body, the testimony of Mrs. Pinson, stated with vivid recollection and exactness, seems to have caused the jury to utterly disregard the statement of Warren and his wife. She says she was sitting up awaiting the return of Jo Shields, who went off after dinner with defendant. An hour before his return (about 9:30) she hears a hullo at the lot, which she thought was Jo's voice. It was probably the parties on watch signaling other members of the mob just arriving. Mrs. Pinson finally hears Jo Shields coming home. He was whistling. She hears him riding in the lot, and throws his saddle on the floor of the crib, when suddenly she hears him scream, "Oh, Mrs. Pinson, run here." She hurries out to the lot, and in the starlight she sees three men in the lot bent down over Jo Shields, on the ground. She cries, "Jo, what is the matter?" He replies, "Harris is killing me." Jo Shields always spoke of Fayette Harris as "Harris." It was too dark to distinguish the forms with certainty, but she hears and recognizes Fayette Harris' voice giving orders in a low tone. She is within five feet of them, the fence between them and herself. They take him up, and carry him across the lot, and she gets around as they are lifting him over the fence. She hears Shields say in a choked voice, "Oh, boys, don't: Again, she hears and recognizes Harris' voice. She follows them, and as they jerk and drag him along the road for 300 yards, sometimes she gets in 10

steps. Three times she is warned back by one of the parties, whose voice she clearly recognizes as Charles Peddy's, with which she was perfectly familiar, he having lived on her place, and was then in the employ of Fayette Harris, and living on his place. She then turns back and tries to arouse the neighborhood, but in vain. The next morning the search begins, and the bloody corpse of Shields is found about three fourths of a mile in the woods, hanging to a tree, with arms and feet tied. The statement of Mrs. Pinson as to the manner of the murder is corrobated in the strongest manner by the tracks, the evidence of struggle, the unsaddled mule in the lot, the traces in the road of the dragging. The presence of Fayette Harris is not only betrayed by his voice, familiar for 14 years to Mrs. Pinson, but by the evidence of the dying Shields,--"Harris is killing me."

The record is very voluminous. We have carefully examined it to see that no injustice has been done to the defendant. He has been most ably defended. There were 17 bills of exception reserved, and every defense interposed that the evidence would justify, but the facts were too strong to be rebutted. The reason why the penalty of death was not inflicted seems to have been that the jury believed that the defendant was led by the influence of his uncle into this bloody crime. We see no error in the case, and it is affirmed.

Bill Warren

From a technical standpoint, I think that Fayette Harris probably instigated a criminal conspiracy, that resulted ultimately in the death of Joe Shields. A criminal conspiracy, in modern law, is probably much the same as it was at the time of this event. A criminal conspiracy is committed, if the intent is that a felony be committed. A person agrees with one or more others to engage in a conduct that would constitute the comission of an offense, and one or more of the conspirators performs an overt act in

futherance of the agreement. I noticed that at the time following the rather lengthy examining trial, each of the four men who was ultimately charged was indicted for murder. Which is, of course, one way to handle it.

The question has been raised, as to what the intial steps of the investigation were. I noticed in reading the newspaper account of the examining trial. Also the three cases which were taken to the Court of Criminal Appeals, and which were reported, that the procedure is very much like what would happen today if something of this nature occured. Initially, the sheriff and I'm sure the constable, in whose precinct the crime was committed, went out and interviewed a rather large number of witnesses. I noticed that they questioned some 14 or 15 persons. Then probably by the process of elimination (which would consist of taking statements or interviews from those who were willing to talk to them and comparing the stories to see where the common thread of truth was)they would begin to eliminate this person, that person or the other, as a suspect. Then they begin to classify them simply as witnesses who could testify as to facts within their knowledge, but who were not parties to the criminal conspiracy.

A question has been raised as to exactly what an examining trial is, or what was the initial lengthy hearing that took place and was reported in the Galveston news. An examining trial is a creation of Texas Statute which existed then, and still exists today. In modern practice, the law pertaining to examining trials is contained in chapter 16 of the Texas Code of Criminal Procedure, which lays down our procedural laws and tells us how we go about applying the general law to the facts of a particular case. To get what an examining trial is, you have to first talk a little bit about how a criminal case comes into existence.

Initially, when an investigation has been conducted, and the investigating officer is convinced that a crime has been committed of a felony nature, he will draw up, write out, swear to, and sign a

piece of paper that is known as a complaint. The complaint is presented to a magistrate, which as a rule, is a Justice of the Peace in whose presence the crime occured. The magistrate will file and docket the complaint, and will issue a warrant for the arrest, he is brought before the Justice of the Peace, and admonished as to his rights. At this time, the Justice of the Peace, or the magistrate as we call them, can either set bail or refuse to set bail.

Now, from that point in time, until the person is indicted by a grand jury, the person has the right to request, what we call an examing trial. This is a hearing conducted before the magistrate, without a jury. The prosecution attorney has to put forth a sufficient amount of evidence to convenience the magistrate that the case should be turned over, or refused to the grand jury. People have that right today and they had that right then, because that's what happened in the Joe Shields case. Then as now, most judges of our inferior courts, are not attorneys, or were not attorneys. When you have a judicial hot potato, or a big case, like the Shields case was, it was traditional for the elected J.O.P. to disqualify himself and call for the appointment of a special magistrate to hear the case. This would usually be an attorney, someone who was familiar with the rules of evidence and could conduct it along the lines of a true court hearing. It would not be a sort of a hit and miss type proposition as if it were presided over by a lawman, or someone who was not educated in the law. That's what happened in the Joe Shields case.

The Galveston Daily News account refers to the presidency officer of the examing trial as a special judge. Apparently he is identified as judge J.E. Wright. Also, you'll notice for a Justice of the Peace Court proceeding, this was a pretty fancy one. The county attorney, which was C.B. Short at that time, and two members of another law firm in the county, Wheeler & Wheeler, represented the state. And the defendants in the case, in the examining

trial, had apparently three attorneys. There was a firm known as Truitt & Espe and also another attorney identified as J.W. Truitt. So, you had an attorney as a special magistrate presiding over this proceeding. On the side of both the state and the defendants, you had three attorneys on each side. The examing trial, from the accounts that we have heard, went on for some two weeks. This, even today would be a very long judicial proceeding. For example, most jury trials nowadays involving murder, rape, armed robbery, or other major prosecutions, are begun and concluded in a space of one week, or five working days. So, a two week examining trial would be a very lengthy procedure, indeed. It would appear that after conclusion of the examining trial, Judge Wright bound the defendants over for action of the Grand Jury. This is exactly what would be done today under the code of criminal procedure.

Now, the next thing you need to understand is, the only way a felony case can be prosecuted in the district courts of Texas is if the defendant is indicted by the action of a Grand Jury. The only exception today is the defendant can waive action of the grand jury. But, at that time, under the law, waiverwas not possible. So, subsequently, it appears that the testimony taken down from various witnesses, at the examining trial, was reduced to writing. It was certified by the judge as being the accurate testimony of the witinesses. The cases were subsequently considered by the Grand Jury and four men were indicted. Of the four, three were tried. All three received life sentences and all three sentences were affirmed by the Texas Court of Criminal Appeals.

One of the interesting footnotes in this case (that apparently we will not ever know the reason why)is that Fayette Harris who apparently instigated the whole conspiracy that resulted in the lynching of Joe Shields from all records that we can find, was never tried. He was transferred from Shelby County, to San Augusting County. The best evidence available indicates that he stayed in the San Augustine Co. jail for a number of years. While we can not say he

was released, or when he was released; we do know for a fact thet he was never tried and he returned to Shelby County to live.

We do know for a fact, that several years after the lynching occured, there are records that show purchased property in Shelby county. These are records where he had property on the tax rolls. We do know that he died and was burried in the County apparently some 17 years after the murder.

Now, there was another interesting aspect of the case that popped up. It dealt with the records at the Texas Dept. of Conections at Huntsville. These records indicate that all three of the defendants who were tried, and who were convicted, and whose convictions were affirmed by the court of criminal appeals, were released about five years later. certainly, even today, with all of the things a person can do to earn an early parole from a penitentary sentence, someone could not discharge a life sentence in five years. This leads us to the story, which unfortunately is folklore. We can't identify or tie it down to any court documents that speak to it. The story that someone, about five years after the trials were concluded, made a deathbed confession. This was considered to be new evidence, and resulted in the three men in the penitentary being released. This may possibly be the key to understanding why Fayette Harris was never tried. Someone, who was apparently dying, made a statement or a deathbed confession that they committed the murder. Also that Fayette Harris and his companions did not. I can only speculate as to what was done with that information.

Today, if I had a client in the penitentary doing a life sentence for murder, and someone made a deathbed confession (or as we call it in the law a dying declaration) I would probably file what is known as an application for writ of habius corpus. This would permit me to have an evidenciary hearing in the district court where the conviction occured. I would bring forward the new evidence, through the dying declaration, which would indicate that the person who was serving the time for the murder was not in fact,

the guilty party. Again, this is probably what happened at the time. Unfortunately, we cannot find any of the court records that would document that. In modern legal pracitce, Texas law does recognize the dying declaration as admissable in court. It is recognized in our civil law as well as in the Texas Code of Criminal Procedure. In the criminal law, the dying declaration of a deceased person may be offered in evidence either for or against someone who has been charged with murder under the following provisions. The provisions being: at the time the declaration was made, the person making the statement was made, the person making the statement was conscious of approaching death and believed there was no chance of his recovery, the dying declaration was voluntarily made and was not the product of any persuasion exerted on the dying person, the declaration was not made by answering questions that would lead he or she to make any statement, and the person making the declaration was of sane mind at the time.

Of course, you can see by those restrictions that today we do not have very many dying declarations. That's because modern medical practice generally results in someone who is approaching death being sedated or being supported by various medical mechanisms. And quite frequently nowadays, someone who is dying under the case of a physician or in a hospital is sedated, unconcious, or simply not able to make any statement at all as death approaches. But it is still recognized under the law and is still admissable in evidence. As you can imagine, the last statement of one who is dying (one who meets the requirements according to the law)is a very powerful evidenciary statement.

That was probably true then and its certainly true now. And if it were used correctly, it could today, as it apparently did then, result in someone, who was incarcerated for murder, being freed. Again, it's unfortunate that we don't have court records to document exactly what did happen. The dying declaration, when it comes down to us, is folklore in the Joe Shields case. The newspaper documented accounts in this case demonstrate the inaccuracy of that form of research as history. Every person who tells the tale changes it up a little bit. As happened in the Joe Shields case, the folklore about the case is 180% opposite from the documentation we have from disinterested persons, who recorded what happened to him.